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5 Attorneys for Defendants
NICHOLAS A. PALAZZO, 4TA SPORTS, INC.,
6 NP VENTURES HOLDINGS, LLC, and
PLAY CALLER SPORTS GAMING LLC
7

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**
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11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 vs.
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NICHOLAS A. PALAZZO, 4TA
15 SPORTS, INC., NP VENTURES
HOLDINGS, LLC, and PLAY
16 CALLER SPORTS GAMING LLC,

17 Defendants.
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CASE NO. 24-cv-6602-EJD

Judge: Hon. Edward J. Davila
Complaint Filed: September 20, 2024
Current Initial CMC Date: January 16, 2025
Trial Date: None

**STIPULATION AND [PROPOSED]
ORDER MODIFYING THE BRIEFING
SCHEDULE FOR DEFENDANTS'
PROPOSED MOTION SEEKING
DISMISSAL OF THE COMPLAINT**

Pursuant to United States District Court Northern District of California Local Civil Rule 6.1, plaintiff SECURITIES AND EXCHANGE COMMISSION (“Plaintiff”) and defendants NICHOLAS A. PALAZZO, 4TA SPORTS, INC., NP VENTURES HOLDINGS, LLC, and PLAY CALLER SPORTS GAMING LLC (altogether, the “Defendants”), by and through their respective counsel, stipulate as follows:

WHEREAS, on September 20, 2024, Plaintiff filed the complaint in the above-captioned action against Defendants (the “Complaint”) (ECF No. 1);

WHEREAS, on September 23, 2024, the Court entered an Order setting an Initial Case Management Conference (“CMC”) for January 8, 2025 (ECF No. 5), which the Court has since rescheduled for January 16, 2025 (ECF No. 15);

WHEREAS, the parties have met and conferred on multiple occasions to discuss the matter and determine whether this case may be expeditiously resolved;

WHEREAS, if the case cannot be expeditiously resolved, the Defendants anticipate filing a motion seeking dismissal of the Complaint;

WHEREAS, the parties each seek additional time to pursue an expeditious resolution and to brief issues for the Court;

THE PARTIES STIPULATE AND REQUEST AN ORDER, pursuant to Civil Local Rules 6-1(b) and 6-2 to modify the briefing schedule related to Defendants’ proposed motion as follows:

1. Defendants shall file any motion seeking dismissal of the Complaint (“Dismissal Motion”) on or before February 7, 2025.

2. Plaintiff shall file its opposition to the Dismissal Motion on or before February 28, 2025.

3. Defendants shall file their reply in support of the Dismissal Motion on or before March 14, 2025.

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4. Defendants shall notice the hearing on their Dismissal Motion for Thursday, April 17, 2025 at 10:00 a.m., or another date determined by the Court.

5. Nothing in this Stipulation shall be deemed to constitute a waiver of any rights, defenses, objections or any other application to any court that any party may have with respect to the claims set forth in the Complaint or otherwise in the above-captioned action.

DATED: November 14, 2024

BUCHALTER
A Professional Corporation

By: /s/ Daniel C. Silva
Daniel C. Silva
Attorneys for Defendants
NICHOLAS A. PALAZZO, 4TA
SPORTS, INC., NP VENTURES
HOLDINGS, LLC, and PLAY CALLER
SPORTS GAMING LLC

DATED: November 13, 2024

SECURITIES AND EXCHANGE
COMMISSION

By: /s/ Carina A. Cuellar
Carina A. Cuellar
Attorneys for Plaintiff

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____, 2024

HON. EDWARD. J. DAVILA
United States District Judge

SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-1 (i)(3), I hereby certify that the content of this document is acceptable to Carina Cuellar, counsel for Plaintiff SECURITIES AND EXCHANGE COMMISSION, and that I have obtained Ms. Cuellar's authorization to affix her electronic signature to this document.

DATED: November 14, 2024

BUCHALTER, A Professional Corporation

By: /s/ Daniel C. Silva
Daniel C. Silva

Attorneys for Defendants
NICHOLAS A. PALAZZO, 4TA
SPORTS, INC., NP VENTURES
HOLDINGS, LLC, and PLAY CALLER
SPORTS GAMING LLC

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